

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1-56 are currently pending, Claims 1, 8, 14, 22, 30, 37, 43, and 50 having been amended. The changes and additions to the claims do not add new matter and are supported by the originally filed specification, for example on page 72, line 2 to page 77, line 11; page 67, lines 1-9; and Figs. 14 and 17.

In the outstanding Office Action, Claims 1-56 were rejected under 35 U.S.C. §102(b) as being anticipated by Frailong et al. (U.S. Patent No. 6,230,194, hereafter "Frailong").

With respect to the rejection of Claim 1 under 35 U.S.C. §102(b), Applicant respectfully submits that the amendment to Claim 1 overcomes this ground of rejection.

Amended Claim 1 recites, *inter alia*,

a certification information setting unit configured to generate a first certification information, and transmit the first certification information to the target update device over a connection via a first communication protocol over the network and request that the target update device store the first certification information, and disconnect the connection via the first communication protocol after receiving a notification that the target update device stored the first certification information;

a certification requesting unit configured to transmit the first certification information to the target update device over a connection via a second communication protocol, and request the target update device to execute a certification process with the first certification information; and

a transmitting unit configured to transmit an update software that updates a software of the target update device to the target update device via the second communication protocol over the network when the certification process succeeds via the second communication protocol, the second communication protocol having a process load less than that of the first communication protocol.

Applicant respectfully submits that Frailong fails to disclose or suggest these features of Claim 1.

Frailong is directed to a system for upgrading the software contents of a network interface device connecting a client computer system to an external network. Fig. 2 of Frailong shows a system including a client network 220, gateway interface 208, remote management server 206, and internet service provider 204. Frailong describes a process in which the software in the gateway interface device is upgraded (see col. 14, line 62). In this process, the upgrade package is made available on a file transfer protocol (FTP) site (see col. 15, lines 16-23). The remote management server sends a notification message to the gateway interface device which includes an address of the FTP site where the upgrade is available (see col. 15, lines 24-42). The gateway interface device can then retrieve the upgrade package from the specified FTP site (see col. 15, lines 64-66). Thus, in Frailong, the remote management server is separate from the FTP site from which the gateway interface device downloads an upgrade package.

The Office Action takes the position that Frailong describes using SSL communication between the gateway interface device and the remote management server, and this corresponds to a “certification information setting unit configured to generate a first certification information, and transmit the first certification information to the target update device via a first communication protocol over the network.” (See Office Action, at pages 2-3, citing col. 19, lines 39-41 and 50-52 of Frailong). Therefore, the Office Action appears to be interpreting the remote management server 206 of Frailong as corresponding to the claimed software update device which includes the claimed certification setting unit.

Frailong describes that a RSA hardware certificate 1416 is used for verifying the identity of a gateway interface device that is opening a SSL communication session with a remote management server (see col. 19, lines 39-41). The Office Action takes the position

that the RSA hardware certificate 1416 corresponds to the claimed “first certification information.” (See Office Action, at page 3).

However, Frailong fails to disclose or suggest that the RSA hardware certificate 1416, as the first certification information, is sent from the remote management server to the gateway interface device over the SSL protocol, and then the SSL protocol is closed after the gateway interface device notifies the remote management server that the RSA hardware certificate 1416 was received. Frailong also fails to disclose or suggest that the RSA hardware certificate 1416, as the first certification information, is sent to the gateway interface device over the FTP protocol, as the second communication protocol, which is the same protocol used to transmit the software update.

Therefore, Frailong fails to disclose or suggest “transmit the first certification information to the target update device over a connection via a first communication protocol over the network and request that the target update device store the first certification information, and disconnect the connection via the first communication protocol after receiving a notification that the target update device stored the first certification information,” and “transmit the first certification information to the target update device over a connection via a second communication protocol, and request the target update device to execute a certification process with the first certification information,” as defined by amended Claim 1.

The Office Action also takes the position that where Frailong describes using the FTP site to provide the upgrade package to the gateway interface device corresponds to the “transmitting unit configured to transmit an update software that updates a software of the target update device to the target update device via a second communication protocol over the network when the certification process succeeds via the first communication protocol.” (See Office Action at page 3). Therefore, the Office Action is interpreting the FTP site described by Frailong to include the claimed transmitting unit.

Claim 1 requires that the certification setting unit and the transmitting unit are both included on the same software update device. However, as discussed above, Frailong describes that the remote management server is separate from the FTP site. Therefore, Applicant submits that Frailong fails to disclose or suggest a certification setting unit and transmitting unit as being part of the same software update device, as defined by Claim 1.

M.P.E.P. §2131 requires for anticipation that each and every feature of the claimed invention must be shown and requires for anticipation that the identical invention must be shown in as complete detail as contained in the claim.

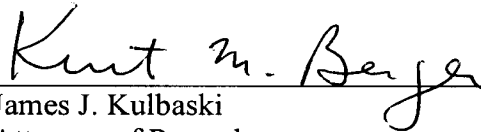
Thus, Applicant respectfully submits that amended Claim 1 (and all associated dependent claims) patentably distinguishes over Frailong.

Amended independent Claims 8, 14, 22, 30, 37, 43, and 50 recite features similar to those of amended Claim 1 discussed above. Thus, Applicant respectfully submits that amended Claims 8, 14, 22, 30, 37, 43, and 50 (and all associated dependent claims) patentably distinguish over Frailong.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



James J. Kulbaski  
Attorney of Record  
Registration No. 34,648

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)

**Kurt M. Berger, Ph.D.**  
**Registration No. 51,461**

I:\ATTY\SG\25\S\251145US\251145US-AM-DUE-6-18-08 (FILED).DO